

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT KINANN, et al.,

Plaintiffs,

v.

CENTEX HOME EQUITY COMPANY,
et al.,

Defendants.

No. C 10-2608 PJH

**ORDER RE APPLICATION TO
THE COURT TO APPROVE LIS
PENDENS**

The court is in receipt of plaintiff's application to the court to approve lis pendens. The application, consisting of a single page unaccompanied by any exhibits or documents, requests the signature of a "Judge of the Superior Court" in determining that the complaint contains a claim which would affect title to real property.

The court DENIES plaintiff's request. A lis pendens is a state law instrument providing constructive notice of a pending lawsuit affecting title to certain real property and that ensures that any person who attempts to buy that property takes it subject to any judgment that may be entered. See Bishop Creek Lodge v. Scira, 46 Cal. App. 4th 1721, 1733 (1996). Plaintiff appears to be aware of this, as his application requests the signature of a Superior Court judge.

Since plaintiff, however, seeks to prosecute his action in federal court, plaintiff's request for an application made pursuant to state law, is improper. Plaintiff must adhere to procedural motions and applications permissible under federal rules or law, or else to explain or cite the legal authority that allows the court to apply state law in granting

1 plaintiff's request.

2
3 **IT IS SO ORDERED.**

4 Dated: July 16, 2010



PHYLLIS J. HAMILTON
United States District Judge